

1976 S.C. Op. Atty. Gen. 351 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4493, 1976 WL 23110

Office of the Attorney General

State of South Carolina

Opinion No. 4493

October 18, 1976

*1 The Honorable James B. Edwards

Governor

State House

Columbia, South Carolina 29211

Dear Governor Edwards:

You have requested an opinion of this Office as to whether the Budget and Control Board has the authority to reduce appropriations in the absence of a deficit. It appears, however, that the only provision for such a reduction is in the event that a deficit is anticipated; this provision has been included in the appropriations act each year for several years and is found in Section 134 of the current (1976–77) appropriations act. The Budget and Control Board is a creature of statute and as such possesses only those powers granted it by the Legislature; it has no inherent powers. See, e.g., [Southern Ry. Co. v. South Carolina State Highway Department, 237 SC 75, 115 SE2d 685 \(1960\)](#). As a result, the Board's power to reduce appropriations is limited to situations provided for by law, that is, situations in which a deficit exists or is anticipated.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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